

Notice of Allowability

Application No.

10/754,146

Examiner

Leigh McKane

Applicant(s)

DEVINE ET AL.

Art Unit

1744

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed 11/30/05.
2. ☒ The allowed claim(s) is/are 1-5,8,12-14,16 and 17.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 022806.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

EXAMINER'S AMENDMENT

1. An extension of time under 37 CFR 1.136(a) is required in order to make an examiner's amendment which places this application in condition for allowance. During a telephone conversation conducted on 28 February 2006, Mr. Kenneth Roddy requested an extension of time for 3 MONTH(S) and authorized the following examiner's amendment. The extension of time was paid by check. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

2. The application has been amended as follows:

In claim 1, line 21 delete "hot".

REASONS FOR ALLOWANCE

3. The following is an examiner's statement of reasons for allowance: While Devine et al. (US 5,720,438) teaches a mobile apparatus and process for waste treatment, the system of Devine et al. incorporates a second grinding step after the waste is immersed within a vat in disinfectant and thus, the waste is not conveyed from the immersion step to the exterior of the apparatus "after immersion" but instead is conveyed to a second grinding and grating means for further size reduction. The instant invention eliminates the second grinding step. Moreover, Devine et al. fails to teach or suggest conducting the exhaust of a petroleum fuel engine into the grinding and grating means, the immersion vat means, and the conveyor means.

When combining Devine et al. with Pearson (US 4,884,756), who teaches a single step

Art Unit: 1744

of grinding and grating to achieve the necessary size reduction, one would have been motivated to substitute the grinding and grating means of Pearson for the grinding and grating means 28 of Devine et al., permitting the elimination of the second grinding and grating means 43 of Devine et al.. However, in doing this, one removes the only source of heat provided by Devine et al. to dry the macerated waste particles, as the second grinding and grating means 43 also creates a heated air flow through friction of the blade knives acting against the grating plate.

As a result, one must supply a source of heat to dry the waste, as required by both Devine et al. and the instant claims. While Snaper (US 6,536,133) teaches the known use of exhaust heat for drying, Snaper specifically teaches that the exhaust gases themselves are not intended to be applied directly to the surface (harvested crops) to be dried because of the pollutant load. See col.3, lines 34-42. In fact, Snaper discloses that the exhaust gases should be heat exchanged with clean incoming air which will then be contacted with the surface to be dried. Regardless, even if Snaper did teach direct contact of the engine exhaust with the surface to be dried, the resulting combination of Devine et al. with Snaper would not be capable of conducting the exhaust into “said grinding and grating means, said immersion vat means, and said conveyor means whereby said waste particle material is heated during said steps of grinding, grating, macerating, spraying, immersing, and conveying” as required by the instant claims, because one would only be motivated to conduct the exhaust to the point in Devine et al. where the heat is generated – specifically, at the location of the second grinding and grating means 43. The application of suction at 40A would have prevented the hot exhaust from flowing down through the conveyor 34 to the vat and first grinding and grating means 28.


Art Unit: 1744

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leigh McKane whose telephone number is 571-272-1275. The examiner can normally be reached on Monday-Thursday (5:30 am-2:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on 571-272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Leigh McKane
Primary Examiner
Art Unit 1744

elm
21 March 2006